

**REMARKS**

Claims 1-5 presently are pending in the application. Reconsideration and allowance of all claims are respectfully requested in view of the following remarks.

The Examiner has kindly acknowledged the claim for foreign priority under 35 U.S.C. § 119, as well as receipt of the certified copy of the priority document.

The Examiner has also returned an initialed copy of the Form PTO-1449 thereby indicating that he has considered the reference listed thereon.

With respect to the objection to the Abstract, the Applicants have amended the Abstract to avoid the use of legal phraseology.

The Examiner has objected to claim 1 because the term "rupture disk" is allegedly unclear. However, Applicants can be their own lexicographers in choosing the terms to describe structural elements of their invention. In this case, clearly the term "rupture disk" is simply referring to a frangible disk which ruptures in the event of an excessive pressure. In fact, the term "rupture disk" is a translation of the French term "disque de rupture" that is a term of art in the French language. Furthermore, the German Patent DE 3 743 562 which is discussed in the paragraph bridging pages 1 and 2 of the subject application refers to such a rupturable or bursting disk. For the Examiner's convenience, the Applicants are enclosing herewith an English abstract which discusses the "bursting disk" in DE 3 743 562. Also, the Applicants enclose an additional English abstract with respect to German Patent 3 431 015 which likewise utilizes the term "bursting disk." In the present application, the translation of the original French to "rupture disk" is clearly accurate and appropriate.

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For the above reasons, the Examiner is respectfully requested to reconsider and withdraw the objection with respect to the term "rupture disk".

The Examiner's indication that claims 3-5 are objected to but would be allowable if rewritten in independent form is greatly appreciated. However, the Applicants are holding in abeyance rewriting of these claims at this time as claims 1 and 2 are believed to be patentably distinct for the reasons set forth in detail below.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,889,083 (Guaglione et al.). For the following reasons, this rejection is respectfully traversed.

An apparatus consistent with the present invention relates to gas insulated electrical gear comprising at least one tank 2 containing a dielectric gas and provided with a rupture disk 1 which ruptures in the event of the dielectric gas in the tank reaching an excessive pressure so as to allow the gas to be exhausted from the tank, wherein the rupture disk is protected against attack from the environment outside the tank by being placed inside an enclosed cabinet 3 having an atmosphere in which temperature and humidity are controlled.

In the rejection of claims 1 and 2 under § 102(b), the Examiner maintains that Guaglione et al. (hereinafter "Guaglione") allegedly discloses all of the recitations of claims 1 and 2 including a rupture disk 28 which ruptures in the event of the dielectric gas in a tank reaching an excessive pressure so as to allow the gas to be exhausted from the tank.

However, it is fundamental that anticipation under § 102 requires a disclosure in a prior art reference of each and every element set forth in the claim, either expressly or under the

principles of inherency. Dupont v. Phillips Petroleum Co., 7 USPQ2d 1129 (Fed. Cir. 1988). In this case, Guaglione discloses a high voltage circuit breaker contained within a metallic tank 10. Hollow tubular insulation support members 26 and 27, respectively, which further serve the purpose of high pressure gas reservoirs are disposed within the tank 10. Each of the insulation support members 26 and 27 support, at their tops, respective blast valve housings 28 and 29 which, in turn, support series-connected interrupter units 30-31 and 32-33, respectively. One of the insulation support members 26 is partly shown in FIG. 2. A blast valve sleeve 222 is situated within the blast valve housing 28 and is engageable with an upper blast valve seal 230. In operation, downward movement of rod 220 causes the sleeve 222 to move downwardly thereby to open the seal between the upper end of the sleeve 222 and the valve seal 230, so as to permit high pressure gas within sleeve 222 to move into a chamber which contains spider members 135 and 136 and upwardly through an annular channel 150. A majority of the gas is blasted into the interior of the tank 10 through openings in a shield 36 such as a port 88 (see FIG. 2).

Based on the foregoing, in contradistinction, Applicants' claim 1 quite clearly recites, *inter alia*, "at least one tank containing a dielectric gas and provided with a rupture disk which ruptures in the event of the dielectric gas in the tank reaching an excessive pressure so as to allow the gas to be exhausted from the tank...." There is absolutely no teaching or suggestion whatsoever of such a rupture disk which ruptures in the event of excessive pressure. Rather, Guaglione opens a blast valve sleeve 222 to permit blast gas to pass by the blast valve. The Examiner's designation of valve housing element 28 as a rupture disk which ruptures is simply incorrect.

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Applicants' claim 1 further recites that the rupture disk is protected against attack from the environment outside the tank by being placed inside an enclosed cabinet having an atmosphere in which the temperature and humidity are controlled. Again, the Examiner's general reference to FIG. 1 for a teaching of this recitation is clearly misplaced since Guaglione is silent regarding controlling the temperature and humidity within the tank 10.

Dependent claim 2 is patentably distinct for the reasons given above with respect to claim 1, as well as the additional recitations set forth therein.

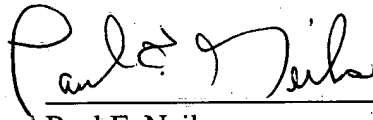
The minor editorial corrections to claims 1-5 are clearly not being made for reasons related to patentability and therefore create no estoppel.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



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